

reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, whereas, in truth and in fact, the said article did not consist wholly of creamery butter but did consist of a product deficient in milk fat and which contained excessive moisture.

On May 6, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

HOWARD M. GORE, *Secretary of Agriculture.*

12562. Adulteration and misbranding of apples. U. S. v. Ferdinand Hoffman. Plea of guilty. Fine, \$25. (F. & D. No. 16858. I. S. Nos. 6078-t, 6079-t, 6080-t.)

On February 13, 1923, the United States attorney for the Western District or New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ferdinand Hoffman, Rochester, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, on or about April 6, 1922, from the State of New York into the State of Pennsylvania, of a quantity of apples which were adulterated and misbranded. The article was labeled in part: (Barrel) "New York Standard A Grade Baldwins * * * Min. Size 2½ In. Min. Vol. 3 Bu."

Examination of the article by the Bureau of Chemistry of this department showed that each barrel contained many apples that were insect-infested and many that were less than 2½ inches in diameter, some of the barrels ranging from 26 per cent to 48 per cent below grade.

Adulteration of the article was alleged in the information for the reason that apples of a lower grade and quality than New York Standard A Grade and of less than 2½ inches in diameter each had been substituted in part for New York Standard A Grade apples 2½ inches in diameter each, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "New York Standard A Grade Min. Size 2½ In.," borne on the barrels containing the article, was false and misleading in that the said statement represented that the said barrels contained only New York Standard A Grade apples of at least 2½ inches in diameter each, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said barrels contained only New York Standard A Grade apples of at least 2½ inches in diameter each, whereas, in truth and in fact, the said barrels contained in part apples of a lower grade and quality than New York Standard A Grade apples and contained in part apples of less than 2½ inches in diameter each. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article, to wit, "New York Standard A Grade" apples.

On April 4, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12563. Adulteration and misbranding of chocolate coating. U. S. v. 4 Cases Chocolate Coating. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17979. I. S. No. 5593-v. S. No. C-4011.)

On November 7, 1923, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 cases of chocolate coating remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by F. Bischoff (Inc.) from Ballston Spa, N. Y., on or about August 18, 1923, and transported from the State of New York into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 Pounds Bischoff's Special Eskimo Bischoff, Inc., * * * Ballston Spa, N. Y.," and was invoiced as "Special Eskimo Choc Ctg."

Adulteration of the article was alleged in the libel for the reason that foreign fat had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged in substance for the reason that the statement on the case containing the article, "Special Eskimo, Manufacturers of Pure High Grade Cocoa & Chocolate," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 27, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12564. Misbranding of Foley kidney pills. U. S. v. 21 Dozen Bottles, et al., Foley Kidney Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18045, 18046. I. S. Nos. 4699-v, 4700-v. S. Nos. C-4180, C-4181.)

On November 13, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 21 dozen small bottles and 11½ dozen large bottles of Foley kidney pills, at Cincinnati, Ohio, consigned by Foley & Co., Chicago, Ill., between the dates of June 8 and October 23, 1923, alleging that the article had been shipped from Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle label, carton, and circular) "Kidney Pills for Irritation;" (circular) "Irritations of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders * * * kidneys * * * weakened by disease * * * inflamed and congested * * * In addition to taking Foley Kidney Pills we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st.—Water should be drunk freely * * *. 2nd—The bowels must be kept active * * *. 3rd—The diet is of great importance." A circular accompanying the large bottles contained also the statement "satisfaction guaranteed."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of pills containing potassium nitrate, methylene blue, hexamethylene tetramine, and material derived from plant sources, including resin and volatile oil similar to juniper oil, coated with sugar and calcium carbonate.

Misbranding of the article was alleged in the libels for the reason that the bottle labels, cartons, and circulars bore statements regarding the curative and therapeutic effect of the said article which were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On December 21, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12565. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17670. I. S. No. 4567-v. S. No. C-4068.)

On July 9, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of eggs remaining in the original unbroken packages at Cincinnati, Ohio, consigned by W. O. Crombie & Co., Carlisle, Ky., July 5, 1923, alleging that the article had been shipped from Carlisle, Ky., and transported from the State of Kentucky into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "W. O. Crombie & Co. Carlisle Ky."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On July 10, 1923, the Blome Dreifus Co., Cincinnati, Ohio, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$50, in conformity with section 10 of the act, conditioned in part that the article be candled under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*